IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JOHDPUR

::::

JUDGMENT

The Urban Improvement Trust, Udaipur & Anr.
Vs
The State of Rajasthan & Anr.

D.B. CIVIL SPECIAL APPEAL (w) NO.54/1994 AGAINST THE ORDER DATED 7.4.1992 PASSED BY THE LEARNED SINGLE JUDGE IN S.B. CIVIL WRIT PETITION NO.2239/1989.

DATE OF JUDGMENT :: 13.7.2006

PRESENT

HON'BLE THE CHIEF JUSTICE SHRI S.N. JHA
HON'BLE JUSTICE SHRI MOHAMMAD RAFIQ

Mr.R.S. Makand, for the appellant.
Mr.Rameshwar Dave, Dy.GA, for the respondents.

<><><>

BY THE COURT: -

This special appeal arises from order dated 7.4.1992 in S.B. Civil Writ Petition No.2239/1989 allowing the writ petition of respondent Mahaveer Ghrah Nirman Sahakari Samiti following the decision in the case of Rajendra Kumar & Ors. Vs. The State of Rajasthan & Ors. , S.B.Civil Writ Petition No.2232/1989 decided on 7.4.1992. The said

decision was set aside by the Division Bench in D.B. Civil Special Appeal No.22/1994 on 26.11.1997. The Division Bench noticed earlier bench decision in D.B. Civil Special Appeal No.612/1993 reported in WLR 96 Raj. 842.

The basic judgment following which the writ petition of the respondent was allowed having been set aside, there is no option but to set aside the impugned order.

Learned counsel for the appellant stated that during the intervening period, the appellant UIT has taken possession of the land.

In the result, the impugned order dated 7.4.1992 is set aside and the appeal is allowed accordingly.

(MOHAMMAD RAFIQ),J. **(S.N. JHA), CJ.**

c.p.goyal/-